

**To:** Pennala, Virginia (DEQ)[PENNALAV@michigan.gov]  
**Cc:** Sanders, Jerrod (DEQ)[SANDERSJ3@michigan.gov]; Fish, Kim (DEQ)[FISHK@michigan.gov]; Burdick, Melanie[Burdick.Melanie@epa.gov]  
**From:** Wilson, Kristina (DEQ)  
**Sent:** Mon 6/19/2017 6:16:39 PM  
**Subject:** FW: Meeting Request

Ginny,

I received a call from Jeff King this morning regarding scheduling a meeting for a Back Forty project update. I know that you have been in contact with Jeff already letting him know that we are unavailable during the week of the 26<sup>th</sup>.

When I asked Jeff what the purpose of the meeting is, he was not forthcoming with specific information. I have been aware that Foth is working on developing a new site plan for the facilities layout but this has not yet been completed. I have also been told that this new site plan may not minimize wetland impacts from the plan originally proposed in the 303 application and does not meet or minimize impacts from the site plan approved with the 632 permit. Additionally, Aquila has a self-imposed target to have the correction request response submitted to us by August 1<sup>st</sup>. Jeff then requested to set a tentative meeting to review a new site plan that we could cancel if the site plan was not presented to us by a certain date. After a brief discussion, Jeff cut to the chase and said that the purpose of the meeting is to set a deadline date for Foth to complete the revised site plan so that KME can work on their F&P analysis and have time to submit a correction request response by August 1<sup>st</sup>. Essentially, in the simplest terms, the intent of the meeting is to create a false deadline for the project managers so that Jeff can try to keep them on task.

As we have previously iterated, I told Jeff that we do not have the time or resources to meet unless they have information that they can present for our review prior to having a meeting or discussion. Additionally, since Keto just received the WIP shapefiles this morning and Jill has not yet received the data for the hydrology modeling, I told him that I believe the request for the meeting is preemptive. I asked him to contact me when he knows that they will have new information to present so that our meeting time and discussion makes the best use of everyone's resources.

I recommend that we wait until we have received the updated site plan, the WIP report has been finalized, Jill has received and started her review of the hydrology data and we have had an internal discussion regarding the modeling, and we have received at least a partial response to

the correction request before we schedule another meeting to discuss this project. At this time, it does not seem as if there is any new information that will be presented to us.

Kristi Wilson

DEQ, Water Resources Division

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906-236-0380

**From:** Burdick, Melanie [mailto:Burdick.Melanie@epa.gov]  
**Sent:** Monday, June 19, 2017 8:20 AM  
**To:** Jeff King <jking@king-macgregor.com>  
**Cc:** Okeefe, Colleen (DEQ) <OKEEFEC@michigan.gov>; Wilson, Kristina (DEQ) <WilsonK17@michigan.gov>; 'David Anderson' <danderson@aquilaresources.com>  
**Subject:** RE: Request to Meet on Back Forty (the week of June 26 if possible?)

Jeff,

EPA is willing to meet with you regarding Back Forty, but MDEQ should be present as well since they are the permitting agency. I don't think MDEQ was available the week of June 26.

I'm available either June 27 or 28 if MDEQ can attend. Otherwise, any day the week of July 10 works for EPA.

Also, I will provide you with the communications that I have shortly.

-Melanie

**From:** Jeff King [mailto:jking@king-macgregor.com]  
**Sent:** Friday, June 16, 2017 2:18 PM  
**To:** Burdick, Melanie <Burdick.Melanie@epa.gov>  
**Cc:** 'Okeefe, Colleen (DEQ)' <OKEEFEC@michigan.gov>; 'Wilson, Kristina (DEQ)'

<[WilsonK17@michigan.gov](mailto:WilsonK17@michigan.gov)>; 'David Anderson' <[danderson@aquilaresources.com](mailto:danderson@aquilaresources.com)>  
**Subject:** RE: Request to Meet on Back Forty (the week of June 26 if possible?)

Melanie –

Just following up with you on my email below from a couple of weeks ago. If you could provide us with a response (but better yet a prospective meeting date) that would be great. Thank you.

Jeff

**From:** Jeff King [<mailto:jking@king-macgregor.com>]  
**Sent:** Friday, May 26, 2017 1:52 PM  
**To:** 'Burdick, Melanie' <[Burdick.Melanie@epa.gov](mailto:Burdick.Melanie@epa.gov)>  
**Cc:** 'Fish, Kim (DEQ)' <[FISHK@michigan.gov](mailto:FISHK@michigan.gov)>; 'Lounds, Amy (DEQ)' <[LOUNDSA@michigan.gov](mailto:LOUNDSA@michigan.gov)>; 'Okeefe, Colleen (DEQ)' <[OKEEFEC@michigan.gov](mailto:OKEEFEC@michigan.gov)>; 'Pennala, Virginia (DEQ)' <[PENNALAV@michigan.gov](mailto:PENNALAV@michigan.gov)>; 'Wilson, Kristina (DEQ)' <[WilsonK17@michigan.gov](mailto:WilsonK17@michigan.gov)>; 'David Anderson' <[danderson@aquilaresources.com](mailto:danderson@aquilaresources.com)>; 'Donohue, Steve' <[Steve.Donohue@Foth.com](mailto:Steve.Donohue@Foth.com)>; 'Baran, Kris K' <[Kris.Baran@Foth.com](mailto:Kris.Baran@Foth.com)>; 'Matt MacGregor' <[mmacgregor@king-macgregor.com](mailto:mmacgregor@king-macgregor.com)>  
**Subject:** Request to Meet on Back Forty (the week of June 26 if possible?)

Hi Melanie –

In anticipation of our submitting revised documents to the MDEQ in response to their most recent communication on our pending Back Forty MDEQ permit application (in the form of their “Correction Request” dated January 26, 2017), the purpose of this email is to request a meeting with you to discuss our progress to-date in addressing many of the issues associated with that communication. We expect that MDEQ will be completing their on-site wetland identification work during the week of June 5, so taking a couple of weeks for us to assimilate that information into our plans, sometime around the week of June 26 we expect we will be in a position to further discuss project wetland and stream impact details with you. Could you please look at your schedule and the schedule of those on your staff you think might be appropriate and able to attend such a meeting, and advise us if you would have time during that last week of June to meet with us? As I am copying MDEQ on this email, we are hopeful that MDEQ might also be

able to participate in such a meeting with representative(s) from their offices calling in, assuming we come to your office to meet. I know for example that Ginny and Kristi are on extremely tight schedules right now and it probably would be very difficult if not impossible for them to attend in person.

Also, on a related topic and if you are able, could you please send us copies of any project-related communications from outside your agency and/or outside the MDEQ that you have received regarding this project in 2017? If we need to send in a FOIA to receive such copies we have no problem doing that, but hoping since we are one of the permit application agents for Aquila that this sort of request might suffice?

As we look forward to your response, please let us know if you have any questions or need additional information? Thank you for your on-going consideration on this project.

**Jeff King**

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